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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,173	07/28/2003	Charles J. Thomas	Q1014/20014	5596
3000 7590 11/21/2007 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			EXAMINER PYZOCHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER
			NOTIFICATION DATE 11/21/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

**Office Action Summary**

Application No.

10/628,173

Applicant(s)

THOMAS ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-12, 14-24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-12, 14-24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 2-12, 14-24, 27, and 28 are pending.
2. Amendment filed 08/27/2007 has been received and considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-8, 10-12, 16-23, 27, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly (US 7055165) in view of Farmer (US 20030130893).

As per claims 27 and 28, Connelly discloses a method and system for obscuring the identity of the course of a message while allowing the content of the message, and subsequent messages, issued from that source to be analyzed, and wherein the source is coupled to a cable television system for receiving television programming content therefrom, comprising the steps of: encrypting the

content of a message issued from the course to form a first message, said first message containing source identification indicia, said first message being transmitted upstream to a remote device on the cable television system (see column 23 lines 1-15); decrypting said first message into a first decrypted message upon receipt of said first message by said remote device (see column 23 lines 15-24); and transmitting said second message to a location to be analyzed (see column 23 lines 1-24).

Connelly fails to disclose substituting the source identification indicia with anonymous identification indicia that cannot be traced back to the source identification indicia; and encrypting the first decrypted message along with said anonymous identification indicia into a second message.

However, Farmer teaches such anonymous identification and encryption steps (see paragraph [0019] where when combined with Connelly the decrypted data of Connelly must be encrypted to form the encrypted data of Farmer).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the

anonymous identification and encryption of Farmer in the Connelly system.

Motivation to do so would have been to protect the privacy of the users (see Farmer paragraph [0004]).

As per claims 4, 5, 19, and 20, the modified Connelly and Farmer system discloses the substituting step is performed at a secure location not accessible without assistance (see Connelly column 23 lines 1-24).

As per claims 6 and 21, the modified Connelly and Farmer system fails to explicitly disclose that the secure system is protected by a password. However, Official Notice is taken that at the time of the invention one of ordinary skill in the art would have recognized the use of a password to make a computer secure. Motivation to do so would have been that a password is an extremely common method of secure computers.

As per claims 7, 8, 22, and 23, the modified Connelly and Farmer system discloses inserting system network segment data into the first decrypted message (see Farmer paragraph [0013]).

As per claims 10-12 and 16-18, the modified Connelly and Farmer system discloses the source is a set top box

(see Connelly column 5 lines 33-36), cell phone or PDA (see Farmer paragraph [0028]).

5. Claims 2, 3, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Connelly and Farmer system as applied to claims 27 and 28 above, and further in view of Demello et al. (US 20010036224).

As per claims 2, 3, 14, and 15, the modified Connelly and Farmer system fails to disclose generating the anonymous identification indicia using a hash algorithm such that the indicia is consistent for each source.

However, Demello et al. teaches such generation of anonymous identification indicia (see paragraph [0136]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the generation method of Demello et al. in the modified Connelly and Farmer system.

Motivation to do so would have been to create a unique identifier (see Demello et al. paragraph [0136]).

6. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Connelly and Farmer system as applied to claims 7 and 24 above, and further in view of Link et al. (US 20020059632).

As per claims 9 and 24, the modified Connelly and Farmer system fails to disclose the source data comprises cluster code data.

However, Link et al. teaches the use of cluster code data (see paragraph [0076]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the cluster code data of Link et al. in the source data of the modified Connelly and Farmer system.

Motivation to do so would have been to group the viewing population based on socioeconomic factors (see Link et al. paragraph [0076]).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 2-12, 14-24, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alao et al. and Sardera teach a method of anonymous responses in a cable system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

  
EMMETT L. MOISE  
SUPERVISORY PATENT EXAMINER